

THIRD REGULAR SESSION

Johnstown, NY

March 12, 2012

Roll Call - Quorum Present

Supervisors: Argotsinger, Born, Bradt, Callery, Capek, DiGiacomo, Fagan, Gendron, Handy, Howard, Kemper, Kinowski, Lauria, MacVean, Ottalagano, Ottuso, Ponticello, Potter, Waldron

TOTAL: Present: 19 Absent: 1 (Supervisor Johnson)

Chairman Gendron called the meeting to order at 1:00 p.m. Following the Pledge of Allegiance to the flag, Chairman Gendron asked if there was anyone from the public who wished to address the Board.

As part of the Student Government Day simulation, two school advisors addressed the Board with "comments" for and against, respectively, a mock local law to implement a curfew for young persons. The following Communications and Reports were then reviewed:

COMMUNICATIONS

1. Communication from St. Lawrence County Board of Legislators, dated 2/9/12

Subj: Resolution No. 47-2012, entitled "Urging the Adirondack Park Agency to Vigorously Appeal the Recent Lows Lake Court Decision" (Supervisors Howard and Lauria requested a copy of Communication 1)

2. Communication from Stephen Haller, Environmental Specialist for National Grid, dated 2/24/12

Subj: Semi-Annual PCB Inventory Report - February 2012 (Supervisor Lauria requested a copy of Communication 2)

LATE COMMUNICATIONS:

1. Communication from Adirondack Park Local Government Review Board received March 5, 2012

Subj: Resolution #2 of 2012 Requesting the APA to Simplify and Streamline its Project Review Procedures

2. Communication from Adirondack Park Local Government Review Board received March 5, 2012

Subj: Resolution #3 of 2012 Requesting a Constitutional Amendment to Allow the Relocation of the Middleton Bridge over the Schroon River (Supervisor Howard requested a copy of Late Communication 2)

3. Communication from Adirondack Park Local Government Review Board received March 5, 2012

Subj: Resolution #1 in Support of Preservation and Rehabilitation of Adirondack Rail Infrastructure (Supervisor Lauria requested a copy of Late Communication 3)

REPORTS

A. Fulton County Industrial Development Agency – 2011 Annual Report

UPDATES FROM STANDING COMMITTEES

Economic Development and Environment: Chairman Bradt advised that the Tryon Business Park and Incubator Center Project is moving forward and the Planning Department is working diligently on it.

Finance: Chairman Fagan advised that the Finance Committee has begun looking at projections for the 2013 Budget.

Human Services: Chairman DiGiacomo advised that the County's RHCF Transition Team is meeting weekly at the Residential Health Care Facility. The IT Department is meeting with Centers IT representatives to gather all information necessary in order to switch over the computer systems. Everything is on schedule to transfer the facility at the end of March.

REPORTS OF SPECIAL COMMITTEES

Adirondack Government: Supervisor Kemper advised that she did not attend the meeting, but several resolutions are being presented regarding preservation of the Adirondack Rail infrastructure. She stated that environmentalists are trying to have all of the rails removed and turned into hiking trails.

Inter-County Legislative Committee of the Adirondacks: Supervisor Kemper advised that the meeting was held on February 16 in Essex County. There was a great deal of talk about Lake Placid and different fund raisers they are doing in support of Olympics activities. The Convention Center is now open and Lake Placid has been very successful in this venture. It is hoping to bring more conventions and conferences into the area. She also advised that all counterparts in other counties are getting very frustrated with what is going on with the State. The consensus is that the State promised mandate relief prior to the tax cap; however, no mandate relief was received. There has been talk about each county holding a Community Awareness Day in May or June on the same day regarding state issues. It is important that the public be made aware of what is going on at the State and holding public sessions is one way to do this.

Soil and Water Conservation District: Supervisor Ottalagano advised that the work to be performed on the dam at the Sprite Club has been placed on hold because there is a problem with the deeding of the land. Tile work is being done. He also advised that the Soil and Water District did not get selected for the grant it had applied for last month to fund a new position. The NYS Department of Transportation cannot perform work off right of ways to repair drainage, so it is contracting with the Soil and Water Conservation District to do this work.

CHAIRMAN'S REPORT

Chairman Gendron advised that "Sonny" Greco, Governor Cuomo's regional representative, was in attendance today to observe the Board of Supervisors meeting.

Student Government – Legislative Day Program:

At this juncture, a student simulation was carried out, wherein students from area high schools substituted for members of the Board of Supervisors. The student Supervisors debated and took action on Resolution 15a (Resolution Adopting Local Law 2 of 2012 to Enact a County-Wide Curfew) and Resolution 15b (Resolution Adopting Local Law 1 of 2012 to Establish a Surcharge upon Households in Fulton County using Woodstoves or other Wood Burning Appliances) that were proposed enactments recommended by "Student Standing Committees" earlier in the day.

At 1:30 p.m. Chairman Gendron opened the Public Hearing to receive comments on Proposed Local Law "A" of 2012 entitled, "Local Law No. "A" of 2012 enacting a Local Wireless Surcharge"

James Wheeler, Broadalbin – Mr. Wheeler stated that residents already pays .35 per cell phone and surcharges for landline phones for the 911 service and understands that the majority of this goes to the State. He asked if the State takes this money or does the County give it to the State. If Fulton County gives it to the State, it is time for Fulton County to take it back. He stated that the County should reduce expenses rather than just keep asking for more money. He also stated that the local newspaper stated that this .30 would be for all wireless devices. He asked if this included just cell phones or all wireless equipment, such as wireless laptops, TV remotes, etc.

Dick Baker, 1604 Stwhy 67, Johnstown – Mr. Baker stated that he has no qualms with the 911 program. It is a great program and the County should have it; however, residents already pay .35 per landline. Now the County wants to include it on wireless phones. He stated that 21 percent of his wireless phone bill is taxes, fees and surcharges. He stated that he is frustrated that this surcharge was not discussed at budget time. He stated that the Sheriff must live within his budget and this should not be introduced after the budget was passed.

Captain Garth Hillier, Fulton County Sheriff's Department – Captain Hillier stated that he is in charge of the Communications Division at the Sheriff's Office. He advised that the State of New York passed legislation several years ago allowing the establishment of a wireless surcharge for all counties in New York State. At the time the State Legislature passed this legislation, Fulton County did not pursue it. He stated that of the 48 counties allowed to implement this surcharge, 40 counties have this surcharge in place. He then advised that in 2011, \$192,486,585.00 was collected in revenue by New York State for the 911 wireless surcharge. Of that, \$25.5 million went to the New York State Police. The New York State General Fund received \$95,113,582.00. Over \$51 million was allocated for proposed 911 grants. The Emergency Services Loan Fund was allocated \$1.5 million and \$10 million went to Debt Service Expedited Deployment Fund for expedited wireless development. Of that \$192 million collected, \$9.3 million was earmarked for County 911 systems based on population. He stated that less than five percent collected

comes back to the 58 counties that run the 911 systems in New York State. In 2011, Fulton County was awarded \$28,908.00 from the wireless surcharge monies.

Captain Hillier then stated that the cost associated with running the 911 Center is increasing. He stated that the budget for Communications is roughly \$799,000.00. He noted that dispatchers last year answered 119,051 calls. This equates to 330 calls per day. Administrative calls received totaled 90,432 calls in 2011 or 250 per day. In 2011, the total 911 calls were 28,619. Of those calls, 13,903 came in on a wire line. Wireless calls received totaled 14,716 calls. He stated that there are maintenance costs related to wireless 911 and this surcharge would help offset the County's cost to run the 911 Center. Captain Hillier then advised that there are three large phone providers of wire line phones in the county. They are Frontier, Verizon and Time Warner. In the last four years, revenues for landline phones have reduced. The decrease for 2009-2010 was \$3,095.03 in revenue. The revenue decrease for 2010-2011 was \$4,973.54.

There being no more public speakers who wished to address the Board, Chairman Gendron announced that he would keep the public hearing open for a portion of the Board meeting.

RESOLUTIONS

No. 117 (Resolution Appropriating Matching Funds for 2012 "I Love New York" Tourism Program): Supervisor Callery stated that he supports this resolution wholeheartedly. He does, however, have concerns regarding the recent resignation of the current Interim President and any merger of the local Chambers of Commerce. He asked what would happen with Fulton County's tourism promotion funds if the Chamber merges in the future with the Montgomery County Chamber.

Supervisor Lauria advised that he attended one of the Chamber breakfasts regarding the merge. This question was raised and he was told the tourism money would stay in Fulton County. Supervisor Howard asked if this resolution is time-sensitive and has to be addressed this month. Mr. Stead stated it is. Mr. Stead stated that a possible merger will not affect this tourism contract cycle as much as it would affect the 2013 cycle. In 2013, the County could possibly see changes and this would have to be monitored closely.

Supervisor Kemper stated that she is "torn" on this issue because money was not budgeted in the 2012 Adopted Budget for it. Tourism for Fulton County is extremely important especially for the lake communities and summer tourism. She stated that she does have concerns with the recent departures of the two Chamber Presidents and is afraid Fulton County may get "lost by the wayside". She stated that she has very strong concerns regarding tourism promotion for Fulton County and the money allocation for tourism must be monitored closely.

Chairman Gendron called for a five-minute recess at 1:55 p.m. to allow students to return to their respective schools and called the meeting back to order at 2:00 p.m.

No. 123 (Resolution Waiving the Start Rate for the Third Assistant District Attorney Position):

Supervisor Callery advised that the waiving of the one-year rate is only for someone with experience. If an attorney is hired with no experience, that individual would be hired at the start rate. He stated this is noted in the Public Safety Committee minutes, but not identified in the resolution.

Supervisor Callery then made a motion to include language that this resolution is contingent upon the candidate meeting full qualifications of the job with prior experience as an Attorney in order to receive the full permanent rate, seconded by Supervisor Ottalagano and carried. (Supervisor MacVean opposed)

Supervisor MacVean asked if this additional money to hire at the one-year rate is already in the Budget. Mr. Stead stated that the position is fully funded in the 2012 Adopted Budget.

Supervisor Gendron asked if there were any other members of the public who wished to make comments regarding the Public Hearing to receive comments on Proposed Local Law “A” of 2012 entitled, “Local Law No. “A” of 2012 enacting a Local Wireless Surcharge”. There being no further speakers, Chairman Gendron closed the Public Hearing at 2:12 p.m.

No. 125 (Resolution Adopting Local Law No. “A” of 2012 Enacting a Local Wireless Surcharge):

Supervisor Handy stated that the wireless surcharge is another tax but, it is a minimal charge that is being asked for. He also stated that there may be another way to raise revenue with regards to cell phones. He stated that he sees people drive by his house on a daily basis using their cell phones and there is a law against using cell phones while operating a vehicle. He stated that there needs to be more enforcement with regards to people driving while talking on their cell phones. If this law was enforced, more revenue would be generated.

Supervisor Howard commended Captain Hillier and his staff at the 911 Center for the great job that they do. He also stated that he understands the need to generate revenue but has a really hard time accepting that half of the E-911 wireless surcharge revenue goes to the State General Fund. This revenue source is cut every single year and Fulton County has to make up the difference. The County is stuck with every state mandate that gets dumped on it and then the County has to dump it on the taxpayers. It is not right for the County to dump another tax on the taxpayers because the State stole its money to fund its programs. He stated this is a result of the State Legislature not doing its job.

Supervisor Born stated that several people have expressed their concern to her about enacting another surcharge. They are not in favor of another tax. “Whether it is .30, \$3.00 or \$30.00, it is still an additional tax.” She stated that even though Fulton County can legally implement this tax, it doesn’t mean it should do it. Taxpayers already pay extra in property taxes, HMO increases, and the price of gas is going up. They already pay a 911 surcharge on their phone bills and cell phone bills and the State has taken most of that money. Instead of putting additional taxes on taxpayers, the State should be pressured to step up and pay an increase to the counties and stop cutting back. Fulton County taxpayers do not need another tax despite what other counties are doing. She stated that Fulton County taxpayers can only stretch a dollar so far and she will be voting “no” on this surcharge.

Supervisor Callery asked if this is enacted, would this be for 2013 or implemented immediately. He also asked where the revenue stream will go. Mr. Stead stated that the surcharge revenue would be placed in the E-911 Reserve Fund. The Board of Supervisors would approve future expenditures from the Fund. Supervisor Callery stated that he is opposed to this surcharge. If the state surcharge on E-911 wireless service is eliminated, he will support the County surcharge.

Supervisor Kinowski stated that this is probably the fairest tax there is because everyone will have to pay their share, not just land owners. He stated, “forget what the State has taken out of the other money, the County can’t control that”. It can control this revenue source. He stated that he is in favor of this surcharge and will be voting “yes”.

Supervisor Kemper stated that this is another tax for people already struggling. She asked what will be surcharged next? She also noted that there is a 2% charge for administration fees paid to cell companies included in this surcharge.

Supervisor Argotsinger stated that he was very surprised with the amount of phone calls he received opposing this surcharge. He stated that he didn’t think it would be controversial, but he received several phone calls from individuals expressing their opposition to this surcharge.

Supervisor DiGiacomo stated it is another tax, but will allow the 911 Center to keep up with technology. He stated that this will “close the loophole” for people who don’t pay their share.

Supervisor Lauria stated that he is not in favor of this surcharge. This is another tax and the people are really getting fed up with these increases.

Supervisor Fagan stated that in today’s “dysfunctional world” surcharges like this are “mandate relief for the State”. He stated that Fulton County is being forced to provide mandate relief to relieve the State.

Supervisor Waldron stated that when budget time rolls around, Fulton County will need money to pay for next year’s Budget. If the money doesn’t come from other sources, it is going to come from the property owners who are taxed by the County to pay for all the services. If we can offset this and disperse that tax across a bigger area, that is relief for the property owner.

Supervisor Howard stated Mr. Fagan’s statement that this is mandate relief for the State not for Fulton County taxpayers, is accurate.

Supervisor Ponticello stated that the timing for this is not right. He stated that it should be brought back at budget time and see where it falls at that time. Mr. Stead explained that this proposal was brought up by the Sheriff during budget time, but the Public Safety Committee decided that trying to push the surcharge through at that time was not a good idea. Both the Finance and Public Safety Committees recommended that it be reviewed in 2012. By doing that, there would be sufficient time to have a public hearing, understand its ramifications and it wouldn’t be lost during budget hearing sessions, budget talks, etc. The final approval of this surcharge at this meeting would allow for it to be implemented and revenue received for next year’s Budget.

Supervisor Callery asked if this would be effective June 1, 2012 instead of January 2013. Mr. Stead stated that, according to the Local Law, it would take effect upon filing with the New York Secretary of State. The cell phone companies would be notified a month or so after this takes effect for implementation of the surcharge.

Supervisor Howard asked Captain Hillier where the lawsuit stands that has been initiated with regard to the distribution of other surcharge funds. Captain Hillier stated that Erie County has filed a lawsuit against the State of New York. It is proceeding in court to hold the State “to the fire” to get a more equitable distribution of E-911 surcharge funds.

Mr. Stead clarified that this local surcharge will not involve the State. If approved, resulting revenue would come directly to Fulton County. Supervisor Callery stated that he would rather see Fulton County go after its fair share of the existing wireless surcharge funds. He stated that he would rather fight that fight than put this additional tax on the taxpayers.

No. 129 (Resolution Amending the 2012 Adopted Budget to Reflect 2011 Encumbrances): Supervisor Callery asked if there is enough money in the line item to cover the \$68,730.54 for Rotating System of Attorneys for the Public Defender’s Office. Alice Kuntzsch, Budget Director, stated that there was enough money for this encumbrance in the 2011 Budget.

A motion was offered by Supervisor Fagan, seconded by Supervisor Kemper, and unanimously carried to waive the Rules of Order to take action on Late Resolution 134.

Upon a motion by Supervisor Kinowski, seconded by Supervisor Bradt and unanimously carried, the Committee entered into Executive Session at 2:58 p.m to discuss collective bargaining negotiations.

Upon a motion by Supervisor Argotsinger, seconded by Supervisor Ottalagano and unanimously carried, the Board reentered into Regular Session at 3:09 p.m.

PROCLAMATIONS

Supervisor DIGIACOMO presented and read the following Proclamation:

PROCLAMATION DECLARING MAY 2012 “OLDER AMERICANS MONTH IN FULTON COUNTY”

WHEREAS, over 11,000 citizens age 60 and older make their home in Fulton County; and

WHEREAS, the Fulton County Office for Aging is committed to helping all individuals maintain their health and independence in later life; and

WHEREAS, older adults in Fulton County have an important role in sharing knowledge, wisdom, and understanding the history of our community through interactions with children, youth, and adults from other generations; and

WHEREAS, older Americans are valuable members of our society who enhance our communities and personal lives and who receive help and assistance from the Fulton County Office for Aging and other county agencies; and

WHEREAS, seniors' interactions with family, friends and neighbors across the generations enrich the lives of everyone involved; and

WHEREAS, our community can provide opportunities to enrich citizens young and old by:

- Emphasizing the value of including elders in public and family life;
- Creating opportunities for older Americans to interact with people of different generations;
- Providing services, technologies and support systems that allow older adults to participate in social activities in the community;

now; therefore, be it

RESOLVED, That the Fulton County Board of Supervisors hereby proclaims May 2012 to be "Older Americans Month" in Fulton County; and, be it further

RESOLVED, That the Board urges everyone to take time this May to honor our older adults and the professionals, family members, and citizens who care for them.

Supervisor DIGIACOMO presented and read the following Proclamation:

PROCLAMATION DECLARING "APRIL 15 THROUGH APRIL 21, 2012 AS
"VOLUNTEER RECOGNITION WEEK IN FULTON COUNTY"

WHEREAS, the entire community can inspire, equip and mobilize people to take action that changes the world; and

WHEREAS, volunteers can connect with local community service opportunities through community service organizations like the Fulton County Office for Aging and others in Fulton County; and

WHEREAS, during this week all over the nation, service projects will be performed and volunteers recognized for their commitment to service; and

WHEREAS, the giving of oneself in service to others enriches the givers and the recipients; and

WHEREAS, our country's volunteer force of over 63 million is a great treasure and a vital resource;

now, therefore be it

RESOLVED, That the Fulton County Board of Supervisors hereby proclaims April 15 through April 21, 2012 to be "Volunteer Recognition Week" in Fulton County; and, be it further

RESOLVED, That the Board urges everyone to take time to honor volunteers in our community.

Supervisor WALDRON presented and read the following Proclamation:

PROCLAMATION DECLARING "APRIL 22, 2012 THROUGH APRIL 28, 2012 AS
"NATIONAL CRIME VICTIMS' RIGHTS WEEK"

WHEREAS, the 1984 Victims of Crime Act (VOCA) affirmed our nation's commitment to helping crime victims rebuild their lives; and

WHEREAS, VOCA established the Crime Victims Fund, a non-taxpayer funding source, which continues today to provide critical support to victim compensation and community victim assistance programs throughout the United States; and

WHEREAS, VOCA and countless other laws and policies reflect the tremendous progress that has been made over the past four decades in securing legal rights, protections, and services for victims of crime; and

WHEREAS, by highlighting the enactment of critical federal and state laws, the growth of national and community victim service organizations, the release of ground-breaking reports that focus national attention on crime victim assistance strategies and expanding the nation's capacity to help victims rebuild their lives, crime victims are receiving the services necessary to assist them in their time of need; now, therefore be it

RESOLVED, That the Fulton County Board of Supervisors hereby proclaims April 22 through April 28, 2012 "National Crime Victims' Rights Week" in Fulton County and encourages all County residents to participate in community awareness events during "National Crime Victims' Right Week" and, be it further

RESOLVED, That the Board of Supervisors hereby recognizes crime victims, victim advocates, and many others who have worked tirelessly to bring hope to the millions of individuals, families and communities harmed by crime.

Supervisor DIGIACOMO presented and read the following Proclamation:

PROCLAMATION DECLARING APRIL 2012 AS "PREVENT CHILD ABUSE MONTH" IN
FULTON COUNTY

WHEREAS, April 2012 is Prevent Child Abuse Month; and

WHEREAS, Court Appointed Special Advocates of Fulton and Montgomery Counties and other local organizations, in conjunction the Prevent Child Abuse New York, are sponsoring a “Pinwheels for prevention” campaign, culminating with a Celebration of Children Showcase on May 11, 2012; and

WHEREAS, all children have a right to a safe and nurturing childhood; and

WHEREAS, these organizations are working to improve awareness of child abuse as an abhorrent and preventable situation; and

WHEREAS, it is important to recognize and support the people, programs and policies that are committed to educating the public about child abuse and to preventing it; now, therefore be it

RESOLVED, That the Board of Supervisors hereby declares April 2012 “Prevent Child Abuse Month” in Fulton County.

NEW BUSINESS

Supervisor Fagan noted that the Cornell Cooperative Extension Director has resigned. He advised that he was contacted by someone at Cornell Cooperative Extension and was asked if Fulton County wants to send a representative to its meetings because changes are coming at the Extension. Mr. Stead advised that the representative Special Committee position was eliminated per resolution of the Board.

Chairman Gendron stated that the Extension also contacted him regarding this issue and he stated that it is no longer a supported agency by Fulton County. Supervisor Fagan stated that they are a supported agency through 2013. Chairman Gendron stated that the Economic Development and Environmental Committee can review this issue.

Upon a motion by Supervisor Howard, seconded by Supervisor Kemper and unanimously carried, the meeting adjourned at 3:20 p.m.

Certified by:

*Jon R. Stead, Administrative Officer/ DATE
Clerk of the Board*

Resolution No. 101

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR A BOILER UPGRADE
AT THE FULTON COUNTY OFFICE BUILDING (2012 CAPITAL PLAN)**

WHEREAS, the 2012 Capital Plan identifies a Boiler Upgrade project to improve the heating system at the County Office Building; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to advertise for sealed bids from contractors for the purchase and installation of mechanical equipment to complete a Boiler Upgrade Project in the Fulton County Office Building (and according to further specifications which may be obtained at the Office of the Purchasing Agent, County Office Building, Room 205, Johnstown, NY, 12095, during usual business hours); and, be it further

RESOLVED, That such sealed bids must be addressed to Jon R. Stead, Purchasing Agent, County Office Building, Room 205, Johnstown, NY, 1205, and received by said Purchasing agent no later than 2:00 p.m., Wednesday, April 18, 2012, at which time and place they will be publicly opened and read; and, be it further

RESOLVED, That the Board of Supervisors reserves the right to reject any or all bids; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities and Administrative Officer/Clerk of the Board.

Seconded by Supervisor OTTALAGANO and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Abstentions: 0 Absent: 1 (Supervisor Johnson)

Resolution No. 102

Supervisor BRADT offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE PURCHASE OF
A TRANSFER STATION COMPACTOR FOR USE IN THE SOLID WASTE DEPARTMENT
(2012 CAPITAL PLAN)**

WHEREAS, the 2012 Capital Plan identifies funding for the purchase of a new Transfer Station Compactor for use in the Solid Waste Department; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to advertise for sealed bids for the purchase of a Transfer Station Compactor for use in the Solid Waste Department (and according to further specifications which may be obtained at the Office of the Purchasing Agent, County Building, Room 205, Johnstown, NY 12095, during usual business hours); and, be it further

RESOLVED, That such sealed bids must be addressed to Jon R. Stead, Purchasing Agent, County Building, Room 205, Johnstown, NY 12095, no later than 2:00 p.m., Wednesday, April 18, 2012, at which time and place they will be publicly opened and read; and, be it further

RESOLVED, That the Board of Supervisors reserves the right to reject any or all bids; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Solid Waste Director and Administrative Officer/Clerk of the Board.

Seconded by Supervisor OTTALAGANO and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Abstentions: 0 Absent: 1 (Supervisor Johnson)

Resolution No. 103

Supervisor BRADT offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING MEAL EXPENSES FOR THE 2012 YOUTH
RECOGNITION DINNER**

WHEREAS, the Youth Bureau Director has requested authority to sponsor a "Youth Recognition Dinner" to be held in April 2012, in accordance with the Department's 2012 Budget; and

WHEREAS, in accordance with Section 16.03 of the Purchasing and Audit Guidelines, scheduled meetings or community events that include meals require prior approval by the Board of Supervisors; now, therefore be it

RESOLVED, That the Youth Bureau Director is hereby authorized to expend funds for a Youth Recognition Dinner, to be held in April 2012, at a cost not to exceed \$1,450.00; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Youth Bureau Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor OTTALAGANO and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Abstentions: 0 Absent: 1 (Supervisor Johnson)

Resolution No. 104

Supervisor DIGIACOMO offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING MEAL EXPENSES FOR 2012 FOSTER PARENT
RECOGNITION DINNER (SOCIAL SERVICES DEPARTMENT)**

WHEREAS, the Department of Social Services has historically sponsored a recognition dinner for foster parents during “Foster Care Recognition Month”; and

WHEREAS, in accordance with Section 16.03 of the Purchasing and Audit Guidelines, scheduled meetings of community events that include meals require prior approval by the Board of Supervisors; now, therefore be it

RESOLVED, That the Commissioner of Social Services is hereby authorized to expend funds for the 2012 Foster Parent Recognition Dinner, at a cost not to exceed \$1,500.00, subject to said costs being in accordance with State and/or Federal agency guidelines; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Social Services Commissioner, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor OTTALAGANO and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Abstentions: 0 Absent: 1 (Supervisor Johnson)

Resolution No. 105

Supervisor DIGIACOMO offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING REMOVAL OF DAMAGED 2004 CHEVY EXPRESS
CARGO VAN FROM THE FIXED ASSETS INVENTORY (OFFICE FOR AGING)**

WHEREAS, in accordance with the Fulton County Purchasing and Audit Guidelines, the Fulton County Treasurer is responsible for maintaining a list of all fixed assets in the possession of the County of Fulton; and

WHEREAS, a County-owned 2004 Chevy Express Cargo Van (OFA) was involved in an accident near the end of 2011; and

WHEREAS, the County's insurance company has adjusted the County's claim, determined that said van is a total loss and disposed of the vehicle to salvage; now, therefore be it

RESOLVED, the upon the recommendation of the Director of Office for the Aging and Committee on Human Services, the County Treasurer be and hereby is directed to remove the following equipment from the Fixed Assets Inventory:

<u>ID Number</u>	<u>Item</u>
6558	2004 Chevy Express Cargo Van

now, and be it further,

RESOLVED, That the insurance recovery check in an amount of \$10,950.67, be deposited into T-08-2-0096-000 OFA-ExpTrust-Savings/Van Fund; and, be it further

RESOLVED, That the Office for the Aging Director and County Treasurer do each and every other thing necessary to further purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Office for the Aging Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor OTTALAGANO and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Abstentions: 0 Absent: 1 (Supervisor Johnson)

Resolution No. 106

Supervisor DIGIACOMO offered the following Resolution and moved its adoption:

RESOLUTION REVISING SLIDING FEE SCALE FOR LEAD TESTING CLINICS (PUBLIC HEALTH DEPARTMENT)

WHEREAS, the Federal government has increased the established “Poverty Levels” by regulation; and

WHEREAS, said mandated changes require corresponding alterations to the Sliding Fee Scales for Lead Testing Clinics; now, therefore be it

RESOLVED, That effective January 26, 2012, the sliding fee scale for Lead Testing Clinics be revised in accordance with the newly revised poverty levels and schedules on file in the Public Health Department and Board of Supervisors' Office; and, be it further

RESOLVED, That all other sliding fee scale for lead testing clinics heretofore established be rendered null and void; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Public Health Director, Budget Director/County Auditor, Administrative Officer/Clerk of the Board, and to each and every other person, institution or agency which may further the purport of this Resolution.

Seconded by Supervisor OTTALAGANO and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Abstentions: 0 Absent: 1 (Supervisor Johnson)

Resolution No. 107

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING EXTENSION OF 2007-2008 POLLWORKER VOTER
EDUCATION TRAINING GRANT (BOARD OF ELECTIONS)**

WHEREAS, among other things, Resolution 133 of 2007 accepted HAVA grant funds from the NYS Board of Elections for voter education/poll worker training in 2008, in an amount of \$27,996.00; and

WHEREAS, a balance of \$24,909.95 remains unspent from the 2008 grant; and

WHEREAS, the State Board of Elections has extended the contract expiration date from April 1, 2012 until March 31, 2013; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract extension with the State Board of Elections for expenditure of Voter Education/Poll Worker Training grant funds through March 31, 2013; all other terms and aspects of said contract shall remain in full force and effect; and, be it further

RESOLVED, That the Board of Elections Commissioners do each and every other thing necessary to expend said HAVA grant funds prior to the grant expiration date; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Board of Elections Commissioners, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor OTTALAGANO and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Abstentions: 0 Absent: 1 (Supervisor Johnson)

Resolution No. 108

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING CLOSEOUT OF RHCF SPRINKLER SYSTEM PROJECT (2011 CAPITAL PLAN)

WHEREAS, the 2011 Capital Plan identified a Sprinkler System Project for the Residential Health Care Facility and said project has been completed; now, therefore be it

RESOLVED, That upon the recommendation of the Committee on Finance and Budget Director/County Auditor, the County Treasurer be and hereby is directed to close out EH-081-0105.168 Sprinkler System and that the estimated balance of \$32,000.00 be applied to the Bond Anticipation Note principle for this project; and, be it further

RESOLVED, That the County Treasurer and Budget Director do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Nursing Home Administrator, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor OTTALAGANO and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Abstentions: 0 Absent: 1 (Supervisor Johnson)

Resolution No. 109

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION ACCEPTING FINAL SETTLEMENTS IN MATTER OF AWP PHARMACY LITIGATION VERSUS WATSON AND AWP PHARMACY LITIGATION VERSUS ETHEX3, ELI LILLY AND SCHERING

WHEREAS, Resolution 533 of 2004 authorized a legal services agreement with Kirby, McInerney & Squire to conduct a joint lawsuit coordinated with the NYS Association of Counties and other counties to recover Medicaid overcharges from pharmaceutical companies; and

WHEREAS, Kirby McInerney (KI) submitted an installment check for the County's net share of the Watson AWP settlement, in an amount of \$16,707.00; and

WHEREAS, Kirby McInerney submitted an installment check for the County's net share of the Ethex3, Eli Lilly and Schering AWP settlement, in an amount of \$13,429.09; now, therefore be it

RESOLVED, That the Board of Supervisors hereby accepts final settlement in the matter of AWP Pharmacy Litigation versus Watson, in a total amount of \$16,707.00; and, be it further

RESOLVED, That the Board of Supervisors hereby accepts final settlement in the matter of AWP Pharmacy Litigation versus Ethex3, Eli Lilly and Schering, in a total amount of \$13,429.09; and, be it further

RESOLVED, That in accordance with said legal services agreement, the Chairman of the Board be and hereby is authorized to sign Form LDSS-3922/RF-17 for each Settlement to the State of New York requesting reimbursement for administration costs associated with these settlements; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, Kirby McInerney & Squire, Budget Director/County Auditor, Administrative Officer/Clerk of the Board, and to each and every other person, institution or agency who will further the purport of this Resolution.

Seconded by Supervisor OTTALAGANO and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Abstentions: 0 Absent: 1 (Supervisor Johnson)

Resolution No. 110

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FROM LOCAL
MUNICIPALITIES AND CONTIGUOUS COUNTY MUNICIPALITIES FOR
THE SALE OF TWO SURPLUS GRADALLS**

WHEREAS, the Superintendent of Highways and Facilities has determined that two (2) Gradall brand hydraulic excavators are no longer necessary for Highway Department purposes and is recommending said units be offered for sale to local municipalities and all municipalities within contiguous counties; now, therefore be it

WHEREAS, the Superintendent of Highways and Facilities and Committee on Buildings & Grounds/Highway recommend soliciting sealed bids from said municipalities, with minimum bids required; now, therefore be it

RESOLVED, That the Superintendent of Highways & Facilities be and hereby is authorized to solicit for sealed bids from Fulton County municipalities for the sale of two (2) surplus Gradalls, with minimum bids as follows:

<u>Excavator Unit</u>	<u>Minimum Bid</u>
1990 Warner-Swasey G-660E	\$13,000.00
1996 Warner-Swasey XL-4100	17,000.00

(and according to further specifications which may be obtained at the Office of the Purchasing Agent, County Building, Room 205, Johnstown, NY 12095, during usual business hours); and, be it further

RESOLVED, That such sealed bids must be addressed to Jon R. Stead, Purchasing Agent, County Building, Room 205, Johnstown, NY 12095, no later than 2:00 p.m., Wednesday, May 23, 2012, at which time and place they will be publicly opened and read; and, be it further

RESOLVED, That the Board of Supervisors reserves the right to reject any or all bids; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways & Facilities and Administrative Officer/Clerk of the Board.

Seconded by Supervisor FAGAN and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Abstentions: 0 Absent: 1 (Supervisor Johnson)

Resolution No. 111

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING AGREEMENT BETWEEN THE DEPARTMENT OF
HIGHWAYS AND FACILITIES AND THE TOWN OF NORTHAMPTON FOR MOWING
OF CERTAIN COUNTY HIGHWAY RIGHTS-OF-WAY (2012)**

WHEREAS, the County of Fulton owns and is responsible for the maintenance of County Roads 113, 123, 130, 143, 149 and 152 and attending rights-of-way which require mowing; and

WHEREAS, the Committee on Buildings and Grounds/Highway recommends a contract with the Town of Northampton as the most efficient way to accomplish such mowing; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized and directed to sign a contract with the Town of Northampton to provide mowing services to the County of Fulton on the rights-of-way for the above-designated County roads as needed during 2012; and, be it further

RESOLVED, That the County of Fulton will pay said town a total sum not to exceed \$4,000.00 to complete all necessary mowing on the aforementioned rights-of-way (9.69 total centerline miles), with the cost to be provided from Appropriation Account D-825-5110.409 Maint. Roads&Bridges-Prof. Svcs.; and, be it further

RESOLVED, That said agreement is subject to the approval of the County Attorney; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, Town of Northampton, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor KINOWSKI and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Abstentions: 0 Absent: 1 (Supervisor Johnson)

Resolution No. 112

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING A CONTRACT BETWEEN THE DEPARTMENT OF
HIGHWAYS AND FACILITIES AND SIEMENS INDUSTRY, INC. FOR BOILER
CONTROL SYSTEM IN THE COUNTY OFFICE BUILDING**

WHEREAS, the 2012 Capital Plan identifies a Boiler Upgrade Project in the County Office Building; and

WHEREAS, one component of the project is the installation of a Boiler Control System and related design services for efficient energy utilization within said building; and

WHEREAS, certain other County facilities already use computerized APOGEE Emergency Management Systems provided and maintained by Siemens Industry, Inc.; and

WHEREAS, the Superintendent of Highways and Facilities recommends contracting with Siemens Industry, Inc. to install and integrate the proper controls for the new boiler system; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract between the Department of Highways and Facilities and Siemens Industry, of Albany, NY, for Boiler Control System upgrades in the County Office Building, at a cost not to exceed \$14,821.00; and, be it further

RESOLVED, That the County Treasurer be and hereby is directed to make the following transfer:

From: A-795-9950.900 Transfer to Capital Plan Projects
To: A-245-1620.201 Co Offices & Bldgs-Capital
Sum: \$14,821.00

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, Siemens Industry, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor KEMPER and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Abstentions: 0 Absent: 1 (Supervisor Johnson)

Resolution No. 113

Supervisor ARGOTSINGER AND FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AWARDING BID TO R&B CONSTRUCTION LLC FOR THE
RECORDS STORAGE ROOM PROJECT (2012 CAPITAL PLAN)**

WHEREAS, the 2012 Capital Plan identifies a Records Storage Room Project in the Fort Johnstown Building; and

WHEREAS, Resolution 44 of 2012 authorized advertisement for bids for the demolition component of said project and three (3) bids were received; now, therefore be it

RESOLVED, That upon the recommendation of the Planning Director and Committees on Buildings and Grounds/Highway and Finance, the net bid, including Alternate Bid Deduct 1, in the amount of \$20,500.00, as submitted by R&B Construction, LLC, of Amsterdam, NY, for the demolition work component of the Records Storage Room Project in the Fort Johnstown Building be and hereby is awarded; they being the lowest responsible bidder in accordance with specifications; and, be it further

RESOLVED, That the County Treasurer be and hereby is directed to make the following transfer;

From: A-795-9950.900 Transfer to Capital Plan Projects
To: H-085-1622.100 Centralized Records Storage Fac (New)
Sum: \$20,550.00

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, County Clerk, Superintendent of Highways and Facilities, All Bidders, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BRADT and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Abstentions: 0 Absent: 1 (Supervisor Johnson)

Resolution No. 114

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION APPOINTING KAREN SMITH TO
THE FULTON COUNTY PLANNING BOARD**

WHEREAS, a vacancy exists on the Fulton County Planning Board; now, therefore be it

RESOLVED, That upon the recommendation of the Committee on Buildings and Grounds/Highway, Karen Smith, of Gloversville, NY, be and hereby is appointed to the Fulton County Planning Board, to serve the balance of the term January 1, 2012 through December 31, 2014; and, be it further

RESOLVED, That Ms. Smith be and hereby is directed to complete the Fulton County Board of Ethics' Financial Disclosure Statement and sign the Fulton County Oath Book located in the County Clerk's Office; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Clerk, Fulton County Ethics Board, Fulton County Planning Board, Karen Smith and Administrative Officer/Clerk of the Board.

Seconded by Supervisor PONTICELLO and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Abstentions: 0 Absent: 1 (Supervisor Johnson)

Resolution No. 115

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION SETTING DATE OF PUBLIC HEARING ON PROPOSED LOCAL LAW “B” CREATING ALTERNATE MEMBER POSITION ON THE FULTON COUNTY PLANNING BOARD

WHEREAS, the Fulton County Planning Board recommends creating an alternate member position on the Fulton County Planning Board; and

WHEREAS, Article 12-B, §239-c, 1-a. states, among other things, that “a county legislative body may, by local law or as a part of the local law creating the county planning board, establish alternate planning board member positions for the purposes of substituting for a member in the event such member is unable to participate because of a conflict of interest..”; and

WHEREAS, there has been duly presented and introduced at a meeting of the Fulton County Board of Supervisors, held on March 12, 2012, a proposed local law entitled, “LOCAL LAW CREATING ALTERNATE MEMBER POSITION ON THE FULTON COUNTY PLANNING BOARD”, as attached hereto and made a part hereof; now, therefore be it

RESOLVED, That a public hearing shall be held for said proposed Local Law “B” of 2012 by the Fulton County Board of Supervisors on Monday, April 9, 2012, at 1:30 p.m., in the Supervisors Chambers, County Office Building, Johnstown, NY, and that at least seven days’ notice (excluding Sundays) of such public hearing be given by the Clerk of the Board by duly posting upon the bulletin boards in the Fulton County Office Building, Johnstown, NY, and by publication at least once in the official Fulton County newspaper; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Fulton County Planning Board, Administrative Officer/Clerk of the Board, and to each and every other person, institution or agency who will further the purport of this Resolution.

Seconded by Supervisor KEMPER and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Abstentions: 0 Absent: 1 (Supervisor Johnson)

COUNTY OF FULTON
LOCAL LAW “B” OF 2012 ENTITLED
“A LOCAL LAW CREATING ALTERNATE MEMBER POSITION
ON THE FULTON COUNTY PLANNING BOARD”

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF FULTON AS FOLLOWS:

Section 1: Intent: The intent of this Local Law is to provide for the appointment of an alternate member to serve on the Fulton County Planning Board.

Section 2: Declaration of Policy: It is sometimes difficult to maintain a quorum on the Planning Board because members are ill, on extended vacation or have a conflict of interest regarding a specific matter before such Board. In such instances, official business cannot be conducted, which may delay or impede adherence to required timelines. The use of an Alternate Member in such instances is hereby authorized pursuant to the provisions of this Article.

Section 3: Definitions:

- A. **“Planning Board”** means the Fulton County Planning Board, established by the Fulton County Board of Supervisors pursuant to Resolution #105 of 1968 and in accordance with Section 239-c of the General Municipal Law of New York State.
- B. **“Member”** means an individual appointed by the Board of Supervisors to serve on the Fulton County Planning Board, pursuant to the provisions of Section 239-c of the General Municipal Law of New York State.
- C. **“Alternate Member”** means an individual appointed by the Board of Supervisors to serve on the Fulton County Planning Board when a Member is unable to participate in deliberations on an application or matter before the Board, as provided herein.

Section 4: Appointment of Alternate Member:

- A. The Board of Supervisors may appoint one (1) Alternate Member to the Fulton County Planning Board. The Alternate Member shall only serve when Members are absent or are unable to participate in deliberations on an application or matter before the Planning Board.
- B. The Alternate Member of the Planning Board shall be appointed by the Board of Supervisors for a term of three (3) years. All terms shall expire on December 31 in the third year after the appointment.

Resolution No. 116

Supervisor BRADT offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING A PILOT PROJECT FOR ACCEPTANCE OF
ELECTRONICS RECYCLABLES AT COUNTY TRANSFER STATIONS
IN JULY 2012**

WHEREAS, the Solid Waste Director has researched the feasibility of establishing a recycling program to allow electronics recyclables to be deposited by residents at local Transfer Stations during a one-month period each year; and

WHEREAS, the Solid Waste Director has proposed to operate a pilot project wherein County transfer stations would accept electronics recyclables, such as personal computer, printers, televisions, etc., for a one month period during 2012 at no charge to residents; now, therefore be it

RESOLVED, That upon the recommendation of the Committee on Economic Development and Environment, the Solid Waste Director be and hereby is authorized to operate a pilot project for acceptance of electronics recyclables at County transfer stations during July 2012; and, be it further

RESOLVED, That at the conclusion of said pilot project, the Solid Waste Director shall prepare a report to the Economic Development and Environment Committee regarding its success; and, be it further

RESOLVED, That the Solid Waste Director do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Solid Waste Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor WALDRON and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Abstentions: 0 Absent: 1 (Supervisor Johnson)

Resolution No. 117

Supervisors BRADT AND FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION APPROPRIATING MATCHING FUNDS
FOR 2012 “I LOVE NEW YORK” TOURISM PROGRAM**

WHEREAS, Board of Supervisors Resolution 355 of 2011 authorized application for “I Love New York” Tourism Promotion Matching funds for 2011-2012; and

WHEREAS, at that time, the Board of Supervisors discussed the option to utilize monies from the Contingent Fund, if and when New York State made matching funds available for the 2012 County Tourism Promotion Program; and

WHEREAS, the Fulton County Regional Chamber of Commerce and Industry, as the County’s Tourism Promotion Agent, has received notification that the County was awarded a grant from New York State for the 2012 “I Love New York” Tourism Program in the amount of \$38,422.00; now, therefore be it

RESOLVED, That upon the recommendation of the Committees on Economic Development and Environment and Finance, the County Treasurer be and hereby is directed to remit from the Contingent Fund \$38,422.00, representing the Fulton County local share for the 2012 “I Love New York” Tourism Grant to the Fulton County Regional Chamber of Commerce and Industry, effective immediately; and, be it further

RESOLVED, That the County Treasurer be and hereby is directed to make the following transfer:

From: A 285-1990.400 Contingent Fund Expense
To: A 565-6410.410 Publicity – ST Match Program
Sum: \$38,422.00

and, be it further,

RESOLVED, That the County Treasurer do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Fulton County Regional Chamber of Commerce and Industry, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Abstentions: 0 Absent: 1 (Supervisor Johnson)

Resolution No. 118

Supervisor DIGIACOMO offered the following Resolution and moved its adoption:

**RESOLUTION APPOINTING G. MICHAEL KINOWSKI TO THE
OFFICE FOR THE AGING ADVISORY BOARD**

WHEREAS, a vacancy exists on the Office for the Aging Advisory Board; now, therefore be it

RESOLVED, That G. Michael Kinowski, of Johnstown, NY, be and hereby is appointed to the Office for the Aging Advisory Board, representing the City of Johnstown, for the balance of the term January 1, 2012 through December 31, 2014; and, be it further

RESOLVED, That G. Michael Kinowski is not required to complete the Fulton County Board of Ethics' Financial Disclosure Statement, but is directed to sign the Fulton County Oath Book located in the Fulton County Clerk's Office, and be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Office for the Aging Director, Fulton County Clerk, G. Michael Kinowski and Administrative Officer/Clerk of the Board.

Seconded by Supervisor HOWARD and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Abstentions: 0 Absent: 1 (Supervisor Johnson)

Resolution No. 119

Supervisors DIGIACOMO, HOWARD AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION RECLASSIFYING A VACANT LONG TERM CARE COORDINATOR POSITION TO SENIOR CASEWORKER (SOCIAL SERVICES)

WHEREAS, the Long Term Care Coordinator position is currently vacant due to a retirement; and

WHEREAS, the Commissioner of Social Services is involved in restructuring Central Assessment services in the best interest of the Department; and

WHEREAS, the Commissioner of Social Services has reviewed current staffing at the Department of Social Services and has determined that the vacant Long Term Care Coordinator position should be reclassified to Senior Caseworker; now, therefore be it

RESOLVED, That upon the recommendation of the Commissioner of Social Services and Committees on Human Services, Personnel and Finance, effective immediately, the vacant Long Term Care Coordinator position (Union-Job - Group PS-6, Start Rate: \$20.49 per hour) be and hereby is reclassified to Senior Caseworker (Union-Job - Group PS-4, Start Rate: \$17.32 per hour) at the Social Services Department (Services Unit); and, be it further

RESOLVED, That the Commissioner of Social Services and Personnel Director do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Commissioner of DSS, Personnel Director, CSEA Local 818, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Abstentions: 0 Absent: 1 (Supervisor Johnson)

Resolution No. 120

Supervisors DIGIACOMO AND FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION CONFIRMING CONTRACT FOR SUPERVISING
NURSING HOME ADMINISTRATOR SERVICES**

WHEREAS, Nursing Home Administrator Jennifer Gilston resigned effective February 29, 2012; and

WHEREAS, in accordance with NYS Department of Health regulations, the County must have a licensed Nursing Home Administrator in place to supervise the operation of the Residential Health Care Facility; and

WHEREAS, the Committees on Human Services and Finance have recommended that Bruce Gendron, Licensed Nursing Home Administrator, provide consulting Supervising Administrator services during the final month of County operation of the Residential Health Care Facility; and

WHEREAS, Nursing Home Controller Suzanne Rose, has agreed to serve as Acting Nursing Home Administrator to oversee day-to-day activities on-site; and

WHEREAS, the Chairman of the Board took action to authorize said interim structure for nursing home administration on behalf of the Board of Supervisors to ensure patient care and uninterrupted compliance with NYS regulations; now, therefore be it

RESOLVED, That the Board of Supervisors hereby confirms a contract with Bruce Gendron, of New Hartford, NY for Supervising Nursing Home Administrator services at the Fulton County Residential Health Care Facility at the rate of \$150.00 per hour for approximately 15 to 20 hours of on-site work per week, effective March 1, 2012 through March 31, 2012; and, be it further

RESOLVED, That the County Treasurer be and hereby is directed to make the following transfer:

From: EH-845-6020.412 – RHCF-Memberships
To: EH-845-6020.409 – RHCF-Professional Svcs
Sum: \$12,000.00

and, be it further

Resolution No. 120 (continued)

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Residential Health Care Facility, Personnel Director, Bruce Gendron, NYS Department of Health, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor OTTALAGANO and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Abstentions: 0 Absent: 1 (Supervisor Johnson)

Resolution No. 121

Supervisors DIGIACOMO, HOWARD AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION CONFIRMING INTERIM STRUCTURE FOR NURSING HOME ADMINISTRATION AT THE RESIDENTIAL HEALTH CARE FACILITY

WHEREAS, the final transfer of the Residential Health Care Facility to Centers for Specialty Care will be completed March 31, 2012; and

WHEREAS, Nursing Home Administrator Jennifer Gilston resigned effective February 29, 2012; and

WHEREAS, in accordance with NYS Department of Health regulations, the County must have a licensed Nursing Home Administrator in place to supervise the operation of the Residential Health Care Facility; and

WHEREAS, Licensed Nursing Home Administrator Bruce Gendron has been contracted to serve as Supervising Nursing Home Administrator effective March 1, 2012 through March 31, 2012; and

WHEREAS, Nursing Home Controller Suzanne Rose has been appointed Acting Nursing Home Administrator to oversee day-to-day operation of the RHCF effective March 1, 2012 through March 31, 2012 at an annualized salary rate of \$73,127.00 per year; and

WHEREAS, some positions at the Residential Health Care Facility must be extended beyond the transfer date to carry out final billing, payroll processing and reimbursement accounting as well as Cost Reports and Financial Statements; and

WHEREAS, the Chairman of the Board took action to authorize said interim structure for nursing home administration on behalf of the Board of Supervisors to ensure patient care and uninterrupted compliance with NYS regulations; now, therefore be it

Resolution No. 121 (Continued)

RESOLVED, That the Board of Supervisors hereby confirms the actions taken by the Chairman of the Board to implement an interim structure for nursing home administration including the extension of employment of Nursing Home Controller Suzanne Rose through June 30, 2012 and one (1) Account Clerk position through April 30, 2012; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Residential Health Care Facility, Suzanne Rose, Personnel Director, Bruce Gendron, Budget Director/County Auditor, All Department Heads and Administrative Officer/Clerk of the Board.

Seconded by Supervisor WALDRON and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Abstentions: 0 Absent: 1 (Supervisor Johnson)

Resolution No. 122

Supervisors CALLERY offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING CONTRACT BETWEEN THE PROBATION DEPARTMENT AND AUTOMON FOR PROBATION CASE MANAGEMENT SOFTWARE MAINTENANCE (2012)

WHEREAS, the contract between the Probation Department and Automon for Caseload Explorer software maintenance has expired; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract between the Probation Department and Automon, of Scottsdale, AZ, for maintenance of Probation Case Explorer software, effective retroactive to January 1, 2012 through December 31, 2012, at a cost not to exceed \$5,513.00; and, be it further

RESOLVED, That said contract is subject to the approval of the County Attorney; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Probation Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor KINOWSKI and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Abstentions: 0 Absent: 1 (Supervisor Johnson)

Resolution No. 123

Supervisors CALLERY, HOWARD AND FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION WAIVING THE START RATE FOR THE
THIRD ASSISTANT DISTRICT ATTORNEY POSITION**

WHEREAS, the Third Assistant District Attorney position is vacant, due to a resignation; and

WHEREAS, the District Attorney has requested that the Board of Supervisors waive the start rate for the Third Assistant District Attorney position in order to attract qualified candidates; now, therefore be it

RESOLVED, That upon the recommendation of the Committees on Public Safety, Personnel and Finance, the District Attorney be and hereby is authorized to hire a Third Assistant District Attorney (Non-Union Job Group P/S-8, 35 hrs/wk) at the permanent one-year rate of \$44,217.00, in this instance only; and, be it further

RESOLVED, That this Resolution is contingent upon the candidate meeting full qualifications of the job with prior experience as an Attorney; and, be it further

RESOLVED, That the District Attorney and Personnel Director do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, District Attorney, Personnel Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Abstentions: 0 Absent: 1 (Supervisor Johnson)

Resolution No. 124

Supervisors CALLERY AND FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING CERTAIN PURCHASES WITH 2011 LAW
ENFORCEMENT TERRORISM PREVENTION PROGRAM GRANT FUNDS (SHERIFF)**

WHEREAS, Resolution 382 of 2011 accepted a 2011 Homeland Security Program grant and a Law Enforcement Terrorism Prevention Program (LETPP) grant, in a total amount of \$123,000.00; and

WHEREAS, as a component of said grant award, \$41,574.00 in LETPP funds were allocated to the Sheriff's Department for law enforcement purposes; and

WHEREAS, the Sheriff requests that said funds be used to purchase a new vehicle and body armor vests; and

WHEREAS, the NYS Office of Homeland Security has approved the use of the LETPP funds for said purchases; now, therefore be it

RESOLVED, That the Sheriff be and hereby is authorized to purchase certain equipment with 2011 LETPP funds, in approximate amounts as follows:

2012 Chevrolet Tahoe (State Contract PC64892)	\$36,324.00
Six (6) Ballistic Body Armor Vests	5,250.00

and, be it further

RESOLVED, That the 2012 Adopted Budget be and hereby is amended, as follows:

Revenue Account:

A-083-3306.003 Sheriff-SLETPP	\$41,574.00
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Appropriation Account:

A-305-3645.203 Sheriff-SLETPP-Equipment	\$41,574.00
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and, be it further

RESOLVED, That the Sheriff is hereby directed to carry out said purchases expeditiously and complete all grant requirements in 2012; and, be it further

Resolution No. 124 (Continued)

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Sheriff, Civil Defense/Fire Coordinator, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor KINOWSKI and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Abstentions: 0 Absent: 1 (Supervisor Johnson)

Resolution No. 125

Supervisor HANDY offered the following Resolution and moved its adoption:

RESOLUTION ADOPTING LOCAL LAW NO. 1 OF 2012 ENACTING A LOCAL WIRELESS SURCHARGE

WHEREAS, proposed Local Law 1 of 2012 entitled, "A LOCAL LAW ENACTING A LOCAL WIRELESS SURCHARGE" has laid upon the desks of the Board of Supervisors for the required period; and

WHEREAS, a public hearing was held on March 12, 2012, after due posting thereof and everyone who wanted to speak was heard; now, therefore be it

RESOLVED, That Local Law 1, for the year 2012, hereinabove referenced and introduced at the Fulton County Board of Supervisors meeting held on March 12, 2012, be and hereby is adopted, as attached hereto and made a part hereof; and, be it further

RESOLVED, That the Clerk of the Board is directed to number said local law for appropriate recording and filing purposes; and, be it further

RESOLVED, That the Sheriff, Clerk of the Board and County Attorney do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Sheriff, Fulton County Code Book, Budget Director/County Auditor, Administrative Officer/Clerk of the Board, and to each and every other person, institution or agency which will further the purport of this Resolution.

Seconded by Supervisor WALDRON and adopted by the following vote:

Total: Ayes: 289 (10) Nays: 256 (9) Supervisors Argotsinger, Born, Callery, Fagan, Gendron, Howard, Kemper, Lauria and Ponticello) Abstentions: 0 Absent: 6 (1) (Supervisor Johnson)

LOCAL LAW 1 OF 2012
ENACTING A WIRELESS SURCHARGE

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF FULTON AS FOLLOWS:

Section 1. Pursuant to the authority of Section 308-k of the County Law, the County of Fulton hereby imposes a surcharge of thirty cents (\$.30) per month on wireless communications service in the County of Fulton. The surcharge shall be imposed on each wireless communications device and shall be reflected and made payable on bills rendered for wireless communications service that is provided to a customer whose place of primary use is within the County. For purposes of this local law, the term “place of primary use” shall mean the street address that is representative of where the customer’s use of the wireless communications service primarily occurs, which address must be:

- (a) the residential street address or the primary business street address of the customer; and
- (b) within the licensed service area of the wireless communications service supplier.

A wireless communications service supplier may treat the address used by such supplier for any wireless communications customer under a service contract or agreement in effect on the effective date of the local law as that customer’s place of primary use for the remaining term of such service contract or agreement, excluding any extension or renewal of such service contract or agreement, for purposes of determining the taxing jurisdiction with respect to taxes on wireless communications service. Such surcharge shall be added by such wireless communications service suppliers to the billings of their customers as of June 1, 2012.

Section 2. The surcharge provided for herein shall not apply to wireless communications devices of the County of Fulton, or any municipal entity within the County of Fulton.

Section 3. Each wireless communications service supplier serving the County of Fulton shall act as collection agent for the County and shall remit the funds collected pursuant this local law to the County Treasurer of the County of Fulton. Such funds shall be remitted no later than thirty (30) days after the last business day of the month. Each wireless communications service supplier shall be entitled to retain, as an administrative fee, an amount equal to two percent (2%) of its collections of the surcharge imposed by this local law. The surcharge required to be collected by such wireless communications service suppliers shall be added to and separately stated in their billings to customers.

Section 4. Each wireless communications service customer who is subject to the provisions of this local law shall be liable to the County of Fulton for such surcharge until it has been paid to the County, except that payment to a wireless communications service supplier is sufficient to relieve such customer from further liability for such surcharge.

Section 5. No wireless communications service supplier shall have a legal obligation to enforce the collection of the surcharge imposed by this local law; provided, however, that whenever the wireless communications service supplier remits the funds collected to the County of Fulton, it shall also provide the County with the name and address of any customer refusing or failing to pay the surcharge imposed by this local law and shall state the amount of such surcharge remaining unpaid.

Section 6. Each wireless communications service supplier shall annually provide to the County of Fulton an accounting of the surcharge amounts billed and collected.

Section 7. All surcharge monies remitted to the County of Fulton by a wireless communication service supplier shall be expended only as provided in Section 325, subdivision 16, of the County Law.

Section 8. This local law shall take effect upon filing with the Office of the NYS Secretary of State.

Resolution No. 126

Supervisors FAGAN AND HOWARD offered the following Resolution and moved its adoption:

**RESOLUTION CREATING PART-TIME MOTOR VEHICLE CLERK POSITION IN THE
COUNTY CLERK'S OFFICE**

WHEREAS, a full-time Motor Vehicle Clerk will be retiring in April 2012; and

WHEREAS, the individual retiring from the Motor Vehicle Clerk position is willing to work part-time following retirement, which would eliminate the need to train a new employee, as well as save money; and

WHEREAS, the County Clerk has requested the creation of a part-time Motor Vehicle Clerk position (Union Job Group A-5, 2009 start rate: \$14.71 per hour) in the Motor Vehicle Department; and

WHEREAS, the County Clerk is also requesting that the vacant full-time Motor Vehicle Clerk position remain in the 2012 Budget at an appropriation of \$1.00; now, therefore be it

RESOLVED, That there be, and hereby is, created one (1) part-time Motor Vehicle Clerk position (Union Job Group A-5, 2009 start rate: \$14.71 per hour) in the Motor Vehicle Department effective immediately; funding for said position to be provided from within Motor Vehicle Department P/R account; and, be it further

RESOLVED, That the vacant full-time Motor Vehicle Clerk position remain in the Budget at an appropriation of \$1.00 until such time as the Board of Supervisors determines whether or not said position is needed; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Clerk, Personnel Director, Payroll Division, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor DIGIACOMO and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Abstentions: 0 Absent: 1 (Supervisor Johnson)

Resolution No. 127

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION RE-DIRECTING THE USE OF INSURANCE RECOVERY FUNDS TO REPLACE A MALFUNCTIONING PRINTER (BOARD OF ELECTIONS)

WHEREAS, Resolution 93 of 2012 authorized the purchase of replacement for a damaged Ballot Counting Station in the Board of Elections using \$10,600.00 in insurance recovery funds and \$1,000.00 from the Contingent Fund; and

WHEREAS, after re-evaluating options for replacement of the damaged Ballot Counting Station, the Commissioners of Elections now recommend using the insurance recovery monies to replace a malfunctioning printer because Help America Vote Act (HAVA) funds allocated to Fulton County can be accessed to replace the damaged Ballot Counting Station; and

WHEREAS, the Board of Elections Commissioners are now requesting to use said insurance recovery funds to purchase a wide-format printer at a cost of \$7,710.53 to accommodate the 17 inch ballot and village election ballots; and

WHEREAS, the Committee on Finance recommends transferring any excess funds appropriated by Resolution 93 of 2012 to the Contingent Fund; now, therefore be it

RESOLVED, That the Board of Elections Commissioners and Purchasing Agent be and hereby are authorized to submit a purchase order to the NYS Office of General Services for one (1) Ballot Counting Station, at a cost not to exceed \$11,600.00 to replace the damaged Station; and, be it further

RESOLVED, That the Board of Elections Commissioners be and hereby are authorized to purchase one (1) printer at a cost not to exceed \$7,710.53; and, be it further

RESOLVED, That the Treasurer be and hereby is authorized to make the following transfer:

From: A-225-1450.200 Bd of Elections-Equipment
To: A-285-1990.400 Contingent Fund Expense
Sum: \$3,889.47

and, be it further

Resolution No. 127 (continued)

RESOLVED, That the Board of Elections Commissioners do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Board of Elections Commissioners, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor WALDRON and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Abstentions: 0 Absent: 1 (Supervisor Johnson)

Resolution No. 128

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AMENDING THE FULTON COUNTY INFORMATION
SECURITY POLICY**

WHEREAS, Resolution 602 of 2008 adopted a Fulton County Information Security Policy; and

WHEREAS, the Information Services Director has assembled two (2) addendums to the existing County Information Security Policy to detail procedures for data removal prior to computer reuse and/or disposal and photocopier reuse and/or disposal; and

WHEREAS, the Committee on Finance has reviewed said proposed Addendums; now, therefore be it

RESOLVED, That Addendums to the Fulton County Information Security Policy be and hereby are adopted, as placed on file in the Information Services Department and Board of Supervisors Office:

Addendum A: Computer Reuse/Disposal Procedure

Addendum B: Photocopier Reuse/Disposal Procedure

and, be it further

RESOLVED, That the Information Services Director do each and every other thing necessary to ensure County departments comply with said addendum; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Information Services Director, All Department Heads, Fulton County Code, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor HOWARD and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Abstentions: 0 Absent: 1 (Supervisor Johnson)

Resolution No. 129

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AMENDING THE 2012 ADOPTED BUDGET TO REFLECT 2011 ENCUMBRANCES

RESOLVED, That the County Treasurer be and hereby is directed to make the following adjustments for 2011 encumbrances, in accordance with accounting requirements:

A-081-0599.000 General Fund Approp. Fund Bal	\$93,429.11	
A-055-1170.406 Pub Def-Copier		\$ 50.00
A-055-1170.409 Pub Def-Rot Sys of Attorneys		68,730.54
A-055-1170.417 Pub Def-Court Transcripts		250.00
A-085-1325.409 Co Treasurer-Professional Services		451.45
A-245-1621.403 Co Complex-Repairs		497.82
A-245-1624.403 Jail Bldgs-Repairs		1,000.00
A-245-1625.460 St. Marys Annex -Paper Supplies		283.60
A-305-3110.465 Sheriff Dept-Rescur & Riot		321.99
A-305-3113.200 Communications Ctr-Equipment		9,979.00
A-305-3113.408 Communications-Phones&Teletype		8,164.00
A-385-3640.200 Civil Def-Equipment		150.00
A-385-3640.454 Civil Def-Generator-Gas/Oil Etc		900.71
A-465-5615.403 Airport-Repairs		1,350.00
A-705-8020.409 Planning Dept-Professional Srvcs		1,300.00
D-081-0599.000 Road Fund Appropriated Fund Bal	\$27,712.80	
D-825-5110.463 Maint-Roads&Bridges/Cement, Concrete, Etc.		307.80
D-825-5112.420 Road Construction-Co Road #110		27,405.00
EW-081-0599.000 Solid Waste Appropriated Fund Bal	\$19,352.33	
EW-865-8161.451 Solid Wst Tr/Hl-Uniforms		16.00
EW-865-8162.200 Cent Landfill Oprns-Equipment		2,995.00
EW-865-8162.403 Cent Landfill Oprns-Equip Repairs		1,337.20
EW-865-8162.410 Cent Landfill Oprns-Demolition Team		7,435.00
EW-865-8162.417 Cent Landfill Oprns-Facility Repairs		4,085.00
EW-865-8162.451 Cent Landfill Oprns-Uniforms		32.00
EW-865-8162.454 Cent Landfill Oprns-Auto Supp (Tires, Etc.)		87.34
EW-865-8163.201 Recycling-Capital Equipment		2,361.79
EW-865-8163.451 Recycling-Uniform Supplies		72.00
EW-865-8163.454 Recycling-Auto Supplies		406.00
EW-865-8163.456 Recycling-Printing		525.00
TOTAL	\$140,494.24	

and, be it further

Resolution No. 129 (continued)

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Respective Department Heads, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor WALDRON and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Abstentions: 0 Absent: 1 (Supervisor Johnson)

Resolution No. 130

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION APPROVING COLLECTIVE BARGAINING AGREEMENT BETWEEN
FULTON-MONTGOMERY COMMUNITY COLLEGE, FULTON COUNTY,
MONTGOMERY COUNTY AND FMCC EDUCATION SUPPORT PERSONNEL UNIT**

RESOLVED, That the Fulton County Board of Supervisors, by this Resolution, hereby approves the official Memorandum of Agreement ratified by the FMCC Board of Trustees on February 16, 2012, as attached hereto, between Fulton-Montgomery Community College, Fulton County, Montgomery County and FMCC Education Support Personnel Unit for the period beginning from and as of September 1, 2010 through August 31, 2012; and, be it further

RESOLVED, That approval of this Resolution is contingent upon adoption of a similar resolution by the Montgomery County Board of Supervisors; and, be it further

RESOLVED, That the Board of Trustees and FMCC Administration do each and every other thing necessary to carry out the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, FMCC, Montgomery County Board of Supervisors, Montgomery County Treasurer, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor HANDY and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Abstentions: 0 Absent: 1 (Supervisor Johnson)

**MEMORANDUM OF AGREEMENT
BY AND BETWEEN
FULTON-MONTGOMERY COMMUNITY COLLEGE
AND
FULTON-MONTGOMERY COMMUNITY COLLEGE
EDUCATION SUPPORT PERSONNEL**

WHEREAS, Fulton Montgomery Community College (“College”) and Fulton Montgomery Community College Education Support Personnel (“FMCC-ESP”) have been negotiating the terms and conditions of a successor collective bargaining agreement to the present collective bargaining agreement effective September 1, 2006 through August 31, 2010; and

WHEREAS, the parties have reached agreement with respect to the terms and conditions and wish to memorialize them in a memorandum of agreement;

NOW, THEREFORE, the parties agree as follows:

1. Article 5, Schedule A shall be modified as follows:

See Schedule A attached.

C. Delete Subdivision C

During the terms of this Agreement, the salaries of employees employed as of or subsequent to 9/1/10 shall be increased as follows:

9/1/10	0%
9/1/11	1.25% (on base, after longevity pulled out)
3/1/12	1.00% (on base, after longevity pulled out)

2. Replace Article 5 with new Article 5 Schedule A(H) to read as follows:

Effective 9/01/10 and 9/01/11, each returning bargaining unit member shall be allowed to redeem up to seven (7) sick leave days per year and receive compensation in the amount of \$50 per day. Those bargaining unit members who have a sick bank balance shall be allowed to instead use up to seven (7) days per year from the sick bank at the amount of \$50.00 per day in lieu of using current sick leave balance. Said sum shall be added to the base salary of the previous year prior to the increases listed below. This provision sunsets on 8/31/2012.

4. Article 12,

Delete “September 1, 2006” and substitute “September 1, 2010”.

Delete “August 31, 2010” and substitute “August 31, 2012”.

5. Parties agree to new Staff Evaluation Form

Except as provided above, or for the purposes of achieving factual accuracy in the contract document, the September 1, 2006 through August 31, 2010 Agreement of the parties shall, in all particulars, be ratified, affirmed and continued without change.

Resolution No. 131

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AMENDING FULTON COUNTY PURCHASING AND AUDIT GUIDELINES REGARDING COMPETITIVE BIDDING THRESHOLDS

WHEREAS, Resolution 406 of 1993 established and adopted the Fulton County Purchasing and Audit Guidelines, in accordance with NYS General Municipal Law, Sections 103 and 104B; and

WHEREAS, periodic review and revision of said Guidelines are necessary for the efficient operation and oversight of County purchasing and fiscal practices; and

WHEREAS, the County Purchasing Guidelines require all purchase contracts involving expenditures in excess of \$10,000 and all contracts for public work involving expenditures in excess of \$20,000 shall be subject to formal competitive bidding; and

WHEREAS, recent amendments to Section 103 of NYS General Municipal Law increased the monetary threshold amounts for formal competitive bidding as follows:

Purchase Contracts:	In excess of \$20,000.00
Contracts for Public Work:	In excess of \$35,000.00

and

WHEREAS, the Purchasing Agent recommends that the dollar amount threshold for public work and purchase contracts required by the Fulton County Purchasing and Audit Guidelines, be amended to correspond with State Law monetary thresholds as follows:

Section 3.02. Replace paragraph 1. in its entirety with the following:

General Municipal Law, Sect. 103 provides that, except as otherwise expressly provided by an act of the legislature or by local law adopted prior to September 1, 1953, all contracts for public work involving an expenditure of more than thirty-five thousand dollars (\$35,000) and all purchase contracts involving an expenditure of more than twenty thousand dollars (\$20,000), shall be awarded by the appropriate officer, board or agency of a political subdivision or district therein including but not limited to a soil conservation district, to the “lowest responsible bidder furnishing the required security” after advertisement for sealed bids.

Resolution No. 131 (continued)

now, therefore be it

RESOLVED, That said amendment shall become effective immediately; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, All Department Heads, General Code Publishers, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Abstentions: 0 Absent: 1 (Supervisor Johnson)

Resolution No. 132

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING DISPOSAL OF CERTAIN SURPLUS EQUIPMENT

WHEREAS, the Purchasing Agent recommends disposal of broken equipment in certain departments; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized to dispose of the following County surplus equipment, in accordance with the Fulton County Purchasing and Audit Guidelines:

Solid Waste:

Gas Monitoring Meter (0005820)

Social Services:

Heater (No BC Code)

and, be it further

RESOLVED, That the Superintendent of Highways and Facilities, Solid Waste Director and Purchasing Agent be and hereby are directed to arrange for the disposal of the listed surplus as scrap and/or refuse, to be coordinated with the Solid Waste Department's current bulky metals contract, as necessary; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, Solid Waste Director, Commissioner of Social Services, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Abstentions: 0 Absent: 1 (Supervisor Johnson)

Resolution No. 133

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING CERTAIN TRANSFERS AND BUDGET AMENDMENTS

RESOLVED, That the 2012 Adopted Budget be and hereby is amended as follows:

Decrease A-083-3305.000 State Aid-Civil Def Antenna	\$5,000.00
Increase A-083-2261.000 CD Chgs-Other Govts	\$5,000.00

Revenue Account:

A-083-2680.000 Insurance Recoveries	\$ 97.00
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Appropriation Account:

A-305-3110.403 Sheriff Dept-Repairs, Reg Tuneups	\$ 97.00
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and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Sheriff, Civil Defense Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BRADT and adopted by the following vote:

Total: Ayes: 19	Nays: 0	Abstentions: 0	Absent: 1	(Supervisor Johnson)
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Resolution No. 134

Supervisor DIGIACOMO offered the following Resolution and moved its adoption:

**RESOLUTION ABOLISHING ONE (1) ACCOUNT CLERK IN THE
COMMUNITY SERVICES DEPARTMENT**

WHEREAS, Resolution 462 of 2011 abolished positions related to the privatization of the Mental Health Clinic and Addiction Services Clinic; and

WHEREAS, in accordance with the plan to transition the Mental Health and Addiction Clinics to private operation, the Director of Community Services has recommended abolishing a full-time Account Clerk position due to the fact that a majority of the billing for the former Clinics has been completed; now, therefore be it

RESOLVED, That effective March 31, 2012, a full-time Account Clerk position (Union Job Group A-3; \$11.92 per hour) in the Director of Community Services Office be and hereby is abolished; and, be it further

RESOLVED, That the Director of Community Services and Personnel Director do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Director of Community Services, Personnel Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor HOWARD and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Abstentions: 0 Absent: 1 (Supervisor Johnson)